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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

2004 JUN 31 A 8:52

Barbara Bartholomew; Tricia Brown; Sherry Campbell-
Drewery; Janet Flecher; Gloria Gardner; Lauren Garland;
Patricia Hedgecock; Bonnie McKelvey; Lular Parker;
Judy Parsons; Robert Renix; Laura Walter, and
Claudia Williams,

Plaintiffs,

v.

Indevus Pharmaceuticals, Inc., F/K/A Interneuron
Pharmaceuticals, Inc.; Wyeth, Inc., F/K/A American
Home Products Corporation; Wyeth Pharmaceuticals,
Inc. F/K/A Wyeth-Ayerst Pharmaceuticals, Inc., a
Division of American Home Products Corporation; and
Boehringer Ingelheim Pharmaceuticals, Inc.,

Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS

CIVIL ACTION

No.

1:04-cv-11188-GAO

U.S. DISTRICT COURT
DISTRICT OF MASS.

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FILED
CLERK'S OFFICE

PLAINTIFFS' MOTION TO REMAND

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to 28 U.S.C. § 1447(c), Plaintiffs hereby seek to remand this action to the Superior Court of the Commonwealth of Massachusetts, Middlesex County. As grounds for this motion, Plaintiffs state that the jurisdictional basis for removal asserted by defendants Wyeth, Inc. f/k/a American Home Products Corporation; and Wyeth Pharmaceuticals, Inc. f/k/a Wyeth Ayerst-Pharmaceuticals, Inc., a Division of American Home Products Corporation (collectively referred to as "Wyeth"), is improper.

More specifically, defendant Indevus Pharmaceuticals, Inc., f/k/a Interneuron Pharmaceuticals, Inc. ("Indevus"), is a resident of Massachusetts and has not been fraudulently joined. Wyeth cannot meet the high burden for fraudulent joinder as

CERTIFICATE OF SERVICE

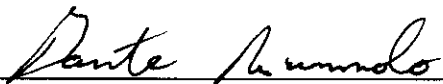
I hereby certify that a true and correct copy of the foregoing instrument was served on the following attorneys of record on this 30th day of June, 2004:

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Boehringer Ingelheim*



Dante G. Mummolo (BBO #360980) *AB*

the allegations in the complaint establish that Plaintiffs have far more than a colorable claims against Indevus.

In support of their motion, Plaintiffs have filed a memorandum and supporting documents. In the event that their motion is granted, Plaintiffs request that this Court issue an Order requiring that the moving defendants pay Plaintiffs' just costs and any actual expenses, including attorney's fees, incurred as a result of removal.

Respectfully submitted this 30th day of June, 2004.

IANNELLA AND MUMMOLO

BY: 
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